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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-218084 DATE: February 8, 1985
MATTER OF: Ingersoll-Rand Company

DIGEST:

GAO will not consider protest against small business set-aside where protester does not allege legal or factual grounds for challenging the set-aside decision.

Ingersoll-Rand Company protests the small business set-aside of Defense Logistics Agency (DLA) solicitation No. DLA700-75-B-0586 to procure an aftercooler shell for a compressor originally manufactured by Ingersoll-Rand.

Ingersoll-Rand argues that it is committed to supporting small business through its subcontracting activities and that DLA should therefore allow Ingersoll-Rand to compete for the prime contract which will purportedly reduce the cost to the government for this procurement.

The Federal Acquisition Regulation, 48 C.F.R. § 19.502-2 (1984), directs the setting aside of procurements if the contracting officer determines that there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns and awards will be made at reasonable prices. Ingersoll-Rand does not allege that there are fewer than two small business concerns which may reasonably be expected to submit bids on this solicitation or that a reasonable price cannot be obtained. Therefore, Ingersoll-Rand has not alleged any legal or factual grounds which would provide a basis for sustaining the protest. Accordingly, the protest is dismissed. See GAO Bid Protest Regulations, § 21.3(f),

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49 Fed. Reg. 49419 (1984) (to be codified in 4 C.F.R.
Part 21.)

Ronald Berger

for the Comptroller General
of the United States